

**Court of Appeals, State of Michigan**

**ORDER**

Ilana F Marcus v Wayne State University

Docket No. 319108

LC No. 13-000892-CZ

Michael J. Riordan  
Presiding Judge

Kirsten Frank Kelly

Karen M. Fort Hood  
Judges

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The Court orders that the motion for immediate consideration is GRANTED.

In lieu of granting the application, the Court orders, pursuant to MCR 7.205(D)(2), that the April 23, 2013, order of the Wayne Circuit Court hereby is VACATED insofar as it issued a permanent injunction. The trial court itself acknowledged that it had no hard evidence that either party would prevail; indeed, the record before this Court does not clearly show that plaintiff has sustained her burden to show a prima facie case that defendant denied her reasonable accommodation, see *Bachman v Swan Harbour Ass'n*, 252 Mich App 400, 426; 653 NW2d 415 (2002). Moreover, although the injunction was predicated on the exhaustion of administrative remedies, it is undisputed that plaintiff has exhausted those remedies such that the trial court should have dissolved the injunction. Consequently, the materials before this Court do not support the extraordinary remedy that was granted here. See *Kernen v Homestead Development Co*, 232 Mich App 503, 509; 591 NW2d 369 (1998). The case is REMANDED to the circuit court for further proceedings consistent with this order.

This order is to have immediate effect, MCR 7.215(F)(2).

The Court retains no further jurisdiction.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

JAN 15 2014

Date

  
Chief Clerk